

# C.C.R.B CASE CLOSING FORM

|  |                              |  |  |  |
|--|------------------------------|--|--|--|
| Investigator assigned:<br>D. Lavinsky  |                              | Team:<br>8   | CCRB#:<br>9803953                            | <input type="checkbox"/> Force <input type="checkbox"/> Discourtesy<br><input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury |
| Date of incident:<br>9/9/98  | Time of incident:<br>3:00 PM | Location of incident:<br>Intersection of Elm Street and<br>Hendersen Avenue, S.I.  |  | Pct. of<br>occurrence:<br>120  |
| Date reported:<br>9/9/98   | Time reported:<br>3:30 PM    | To whom/where/how reported:<br>§ 87(2)(b) reported his complaint by phone to the office of the Deputy<br>Commissioner of Community Affairs; PO Cheung receiving officer. |  |  |
| Complainant:<br>§ 87(2)(b)   |                              | Home address:<br>§ 87(2)(b)  |  |  |
| Victim(s):<br>§ 87(2)(b)   |                              | Home address:<br>§ 87(2)(b)  |  |  |
| Witness(es):<br>§ 87(2)(b)   |                              | Home address:<br>§ 87(2)(b)  |  |  |
| Subject officer(s) (include rank):<br>Det. Joseph Gulotta  |                              | Shield:<br>04883   | Tax:<br>900369                               | Command:<br>Narc. Div. Staten Island Init.   |
| Witness officer(s) (include rank):<br>Sgt. Paul Paronich<br>Det. John Pitlak<br>PO Andrew LaPointe<br>PO Victor Villarreal   |                              | Shield:<br>02495<br>06030<br>09682<br>06234  | Tax:<br>896858<br>909862<br>914117<br>899957 | Command:<br>NDSI<br>NDSI<br>NDSI<br>NDSI   |
| Allegation(s) by letter:<br>A. Abuse of Authority: that Det. Gulotta stopped and searched § 87(2)(b), in<br>violation of PG 116-32 and PG 110-01.<br>B. Abuse of Authority: that Det. Gulotta failed to provide his shield number when<br>requested to do so, in violation of PG 104-01. |                              |  |  | Recommendation(s):<br>§ 87(2)(g)   |

## Synopsis

In this case, the complainant passed by officers from NDSI as they were making an arrest for narcotics possession. One of the officers recognized the complainant from a prior arrest and, according to the complainant, immediately searched him. He was not arrested. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

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### Summary of Complaint

§ 87(2)(b) complainant and victim in the above-referenced case, reported that at approximately 3:00 p.m. on 9/9/98 near the intersection of § 87(2)(b) in Staten Island, an officer later identified as Det. Joseph Gulotta of NDSI stopped and searched him, and refused to provide his shield number when requested to do so. Having just come from his mother's house, § 87(2)(b) was walking down the street when he noticed a brown Dodge Intrepid and a white Ford utility van parked near several plainclothed officers who were searching an unidentified person in handcuffs. (He noted that he had first seen the Intrepid as it came down § 87(2)(b) and made a u-turn in § 87(2)(b) direction). As § 87(2)(b) was passing by the scene on his way to a local grocery store, one of the officers involved in the arrest noticed him and asked if he was the same person who had been arrested at § 87(2)(b). He had been walking for approximately 2 minutes by this time. § 87(2)(b) who in his CCRB interview acknowledged having been arrested on § 87(2)(b) at § 87(2)(b) in Staten Island, recalled that at this point the officer asked if § 87(2)(b) had anything on him, then "started going in my pockets." § 87(2)(b) claimed that this officer came from the white van. Nothing of § 87(2)(b) was confiscated as a result of the search and he was not arrested or issued a summons; he filed his complaint by phone to the DCCA approximately 30 minutes later.

### Results of Investigation

§ 87(2)(b) recalled that officers on the scene had one person detained in handcuffs. Arrest records identified this person as § 87(2)(b) who was arrested at approximately 2:45 p.m. near the intersection of Elm Street and Hendersen Avenue after officers assigned to a NDSI buy and bust team observed him smoking marijuana in public. § 87(2)(b)'s home telephone number was eventually obtained pursuant to a Bell Atlantic subpoena, and over a period of two months numerous phone calls and contact letters were directed to his residence at § 87(2)(b). When § 87(2)(b)—the only identified civilian witness in this case; other civilians may have been in the prisoner van, but could not be reached for comment—failed to return inquiries regarding § 87(2)(b) even after messages were left with his father, a field trip was conducted to his home address. During this time, the undersigned spoke to § 87(2)(b) § 87(2)(b)'s brother, who revealed that the witness was in Florida; § 87(2)(b) promised to provide a contact number for his brother as soon as possible. This information, however, was never provided, so § 87(2)(b) could not be interviewed in reference to this case. (It should also be noted that an informal canvass of § 87(2)(b) in front of which § 87(2)(b) was searched, yielded no witnesses).

A total of five officers, identified in the NDSI buy and bust tactical plan pertaining to § 87(2)(b)'s arrest, were interviewed regarding this investigation: Sgt. Paul Paronich, Det. John Pitlak, PO Andrew LaPointe, PO Victor Villarreal, and Det. Joseph Gullota. These officers were divided into three individual teams, with Sgt. Paronich and Det. Gullota in the lead car, which was described by officers as a dark colored Dodge Intrepid. PO Villarreal and PO LaPointe were assigned to a white Prisoner van, while Det. Pitlak could not recall the make or model of the vehicle to which he and his partner were assigned. In any case, only Det. Gulotta had any recollection of § 87(2)(b) and the allegations in this case.

Det. Gulotta recalled that § 87(2)(b) approached him on the corner while officers were preparing to place an arrestee in the prisoner van. The complainant, according to Det. Gulotta, recognized him from a prior arrest which occurred on § 87(2)(b) at § 87(2)(b). Det. Gulotta acknowledged that

he was the arresting officer in this incident, despite the fact that PO Lam's name appears on the arrest report, adding that among the officers he was working with on 9/9/98, only he had been present at § 87(2)(b) earlier arrest. Sgt. Paronich and the rest of the field team proceeded to the prisoner van with the arrestee § 87(2)(b) while § 87(2)(b) confronted Det. Gulotta. Det. Gulotta asserted that § 87(2)(b) "became quite agitated, started using profanity, told me he was going to complain against me" and asked the detective for his shield number. Det. Gulotta promptly provided his shield number and § 87(2)(b) departed; at no point, according to Det. Gulotta, did he come into physical contact with the complainant.

§ 87(2)(g) While § 87(2)(b) was not arrested on 9/9/98, an arrest report of his dating from § 87(2)(b) at § 87(2)(b) was obtained; this report lists PO Richard Lam of NDSI as the arresting officer. (PO Lam is not listed on the Tactical Plan relevant to this case). The relevant stop and frisk log does not mention § 87(2)(b) or any officers assigned to the NDSI team in question. The OLBS sheet pertaining to § 87(2)(b)'s arrest is consistent with the arrest report, which documents that § 87(2)(b) was arrested at the intersection of § 87(2)(b) at approximately 2:45 p.m. on 9/9/98—confirming that he was on the scene during the time the allegations in this case are said to have occurred § 87(2)(g). The 120<sup>th</sup> Pct. Command Log notes that § 87(2)(b) was brought to the precinct with three other prisoners, two of whom were located in the NYPD arrest database. Arrest reports were obtained and indicate that these two defendants—§ 87(2)(b) and § 87(2)(b)—were arrested shortly before 2:00 p.m. on 9/9/98 by members of NDSI, indicating that they could have been in the prisoner van when § 87(2)(b) was allegedly searched and therefore may have seen what transpired (assuming that the prisoner van was actually in the area at this time). In any case, letters sent to § 87(2)(b) and § 87(2)(b) did not result in contact with either individual, § 87(2)(g).

### Conclusions and Recommendations

§ 87(2)(g) Specifically, he recalled that as he walked by the scene of the arrest, one officer said to another "he's the one from § 87(2)(b)". According to Det. Gulotta, however, he was the only member of the NDSI team working that day who was at § 87(2)(b) for the complainant's arrest on § 87(2)(b), and therefore the only officer present with prior knowledge of § 87(2)(b) § 87(2)(g). Additionally, § 87(2)(b) explained that the officer who searched him had been in the white van, later confirmed to be the prisoner van. Nevertheless, Det. Gulotta, § 87(2)(g)

§ 87(2)(b), was assigned to a dark colored Dodge Intrepid with Sgt. Paronich; it was PO Villarreal and PO LaPointe who were assigned to the prisoner van. § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

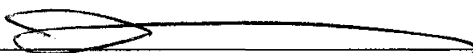
Nevertheless, Det. Gulotta, asked to describe where he was standing when speaking to § 87(2)(b) recalled that other members of the field team “were actually by the van; I was further over towards the corner...it was just me and § 87(2)(b) at that point.” In fact, Det. Gulotta acknowledged that he was approximately 30 feet away from the rest of the officers present, § 87(2)(g)

Det. Gulotta also claimed that § 87(2)(b) was “quite agitated” and repeatedly used profanities towards him, although he claimed not to recall these profanities because the complainant speaks with an accent—something the undersigned noticed neither during the complainant’s CCRB interview nor in subsequent conversations. § 87(2)(g)

Finally, § 87(2)(b) alleged that the subject officer failed to provide his shield number when requested to do so. Det. Gulotta, § 87(2)(g) denied refusing his shield number, § 87(2)(g)

§ 87(2)(g)

Investigator:



Date:

8/4/99

Supervisor:

mlwee

Date:

8/4/99

Reviewed by:

Date:

Reviewed by:

Finkle

Date:

10/14/99